

NEW SECTION

WAC 388-891-0103 Can DVR obtain personal information about you? (1) In order to serve you, DVR may obtain personal information about you from service providers and cooperating agencies. This personal information helps us better understand your disabilities, barriers to employment, abilities, interests and needs for VR services and to coordinate DVR services with the services you receive from other agencies and programs.

(2) DVR may obtain financial information about you from state and federal agencies to verify benefits you receive from other agencies or programs, earnings and income from employment or self-employment. DVR will only collect such information if the state or federal agencies have legal authority to release it to DVR. This may occur with or without your consent.

(3) If DVR collects information about you from service providers or other agencies, the information will not be released to others without your written consent.

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AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0140 Can I obtain copies of information in my case service record? (1) You may review or obtain copies of information contained in your case service record by submitting a (~~written~~) request to DVR. DVR provides access to or provides copies of records upon request, except in the following circumstances:

(a) If DVR believes the medical, psychological, or other records in your case service record may be harmful to give to you, DVR only releases the records to a third party that you choose, such as your representative, parent, legal guardian or a qualified medical professional.

(b) If DVR receives personal information about you from another agency or service provider, DVR may (~~only~~) share the records (~~as authorized~~) only by, or under the conditions established by the agency or service provider that provided the information.

(c) If a representative has been appointed by a court to represent you, the information must be released to the representative.

(2) DVR provides access or gives you copies of records within (~~ten~~) five business days of receiving your (~~written~~) request. If DVR cannot fulfill your request within (~~ten~~) five

business days, DVR will send you a written notice of the reason(s) the request cannot be met and the date you are granted access or the date the requested information will be provided.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. 03-02-014, § 388-891-0140, filed 12/20/02, effective 2/3/03.]

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0255 How do I request a fair hearing?

(1) To ask for a fair hearing, send a written request to the office of administrative hearings. You must include the following information in your written request:

- (a) Your name, address, and telephone number;
- (b) The name of the DSHS program that the fair hearing involves (such as DVR);
- (c) A written statement describing the decision and the reasons you disagree; and
- (d) Any other information or documents that relate to the matter.

(2) You must submit your request for a fair hearing within ~~((twenty))~~ forty-five calendar days of the date the VR counselor makes the decision with which you disagree.

(3) You may ask any DVR employee for instructions or assistance to submit a request for a fair hearing.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. 03-02-014, § 388-891-0255, filed 12/20/02, effective 2/3/03.]

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0330 Does DVR consider academic awards and scholarships based on merit as ~~((income))~~ comparable benefits?
DVR does not consider academic awards and scholarships ~~((you earn))~~ based on merit ~~((are not counted as income for purposes of determining your participation in the cost of services))~~ as comparable benefits.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998
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amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. 03-02-014, § 388-891-0330, filed 12/20/02, effective 2/3/03.]

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0360 What personal resources are not counted in the decision about whether I have to help pay for services? DVR does not count the following resources when deciding whether you need to help pay for DVR:

- (1) The value of your primary home and furnishings;
- (2) The value of items that you keep because of personal attachment, rather than because of monetary value;
- (3) The value of one vehicle per household member needed for work, school, or to participate in VR services;
- (4) Retirement, insurance, or trust accounts that do not pay a current benefit to you or your family;
- (5) If a retirement, insurance or trust account pays a current benefit, only the monthly benefit is counted as income and the balance of the account is excluded;
- (6) ~~((Awards or scholarships you earn based on merit;~~
- ~~(7))~~ Up to five thousand dollars of your total assets are excluded as exempt;
- ~~((+8))~~ (7) Equipment or machinery used to produce income;
- ~~((+9))~~ (8) Livestock used to produce income; and
- ~~((+10))~~ (9) Disability-related items and/or services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. 03-02-014, § 388-891-0360, filed 12/20/02, effective 2/3/03.]

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0520 What is the criteria for priority category 1--Individuals with most severe disabilities? DVR determines you are in priority category 1--Individuals with most severe disabilities, if you are determined eligible for vocational rehabilitation services and you meet the following criteria:

- (1) ~~((You require supported employment; and/or~~
- ~~(2) You meet the criteria for an individual with a severe disability as defined in WAC 388-891-0530,))~~ You require two or more VR services over an extended period of time (twelve months

or more); and

(2) You experience serious functional losses in four or more of the following areas in terms of an employment outcome:

- (a) Mobility;
- (b) Communication;
- (c) Self-care;
- (d) Cognition and learning (Self-direction);
- (e) Interpersonal ((skills));
- (f) Work tolerance; or
- (g) Work skills.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. 03-02-014, § 388-891-0520, filed 12/20/02, effective 2/3/03.]

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0530 What is the criteria for priority category 2--Individuals with severe disabilities? DVR determines you are in priority category 2--Individuals with severe disabilities if you are determined eligible for vocational rehabilitation services and you meet the following criteria:

(1) ~~((You are receiving disability benefits under Title II or Title XVI of the Social Security Act, but do not meet the criteria for priority category 1; and/or~~

~~(2) You meet the eligibility requirements outlined in WAC 388-891-0540,))~~ You require two or more VR services over an extended period of time (twelve months or more); and((~~7~~))

(2) You experience serious functional losses in one to three of the following areas in terms of an employment outcome:

- (a) Mobility;
- (b) Communication;
- (c) Self-care;
- (d) Cognition and learning (Self-direction);
- (e) Interpersonal ((skills));
- (f) Work tolerance; or
- (g) Work skills.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. 03-02-014, § 388-891-0530, filed 12/20/02, effective 2/3/03.]

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0540 What is the criteria for priority category 3--Individuals with disabilities? DVR determines you are in priority category 3--Individuals with disabilities if you ~~((meet the eligibility requirements outlined in WAC 388-891-1000))~~ are determined eligible for vocational rehabilitation services, but you do not meet the criteria for priority category 1 or priority category 2.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. 03-02-014, § 388-891-0540, filed 12/20/02, effective 2/3/03.]

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0840 What are supported employment services? Supported employment services are:

(1) Ongoing support services as described in WAC 388-891-0845; and

(2) Vocational rehabilitation services listed in WAC 388-891-0600.

(3) These services may be provided to you:

(a) As part of your individualized plan for employment;

(b) To support and maintain you in supported employment;

(c) For a period of time not to exceed eighteen months, unless under special circumstances, you and the VR counselor jointly agree to extend the time in order to achieve the employment goals in your rehabilitation plan for employment. This eighteen month period begins on the date when the delivery of ongoing support services start to be provided under your individualized plan for employment.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. 03-02-014, § 388-891-0840, filed 12/20/02, effective 2/3/03.]

AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-0880 What ~~((happens))~~ if my ~~((DVR))~~ counselor
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~~and I ((do not find a source for extended services and/or we cannot establish natural supports during the initial eighteen months of my individualized plan for employment)) cannot secure a source of extended services or natural supports? ((If you and your DVR counselor do not find a source for extended services and/or cannot establish natural supports during the initial eighteen months of your individualized plan for employment, DVR must determine that you are no longer eligible for VR services)) If a DVR counselor determines that you require supported employment and has explored all available options for securing a source of funding for extended services or natural supports and there is no reasonable expectation that those services will become available, DVR must close your case service record.~~

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. 03-02-014, § 388-891-0880, filed 12/20/02, effective 2/3/03.]

NEW SECTION

WAC 388-891-1137 What if the employment goal I choose is religious in nature? DVR is prohibited from supporting education or training for an employment goal that is religious in nature under the Washington State Constitution, Article 1, Subsection 11.

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AMENDATORY SECTION (Amending WSR 03-02-014, filed 12/20/02, effective 2/3/03)

WAC 388-891-1300 Why does DVR close a case service record?
A DVR counselor closes your case service record for any of the following reasons:

- (1) You achieve an employment outcome;
- (2) DVR determines that you are not eligible or no longer eligible;
- (3) You are no longer available to participate in services;
- (4) You decline VR services;
- (5) You cannot be located;
- (6) You ask DVR to close your case service record; ~~((or))~~
- (7) You refuse to cooperate in required or agreed upon conditions or services; or

(8) You require supported employment services and you and your VR counselor have explored all available options for

securing a source of funding for extended services or natural supports and there is no reasonable expectation these services will become available.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. 03-02-014, § 388-891-1300, filed 12/20/02, effective 2/3/03.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-891-0870	Are supported employment services time-limited?
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REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-890-0780	What is the independent living (IL) program?
WAC 388-890-0785	What types of services does the IL program offer?
WAC 388-890-0790	Who is eligible for Title VII IL program services?
WAC 388-890-0795	What is a significant disability?
WAC 388-890-0800	Who provides IL program services?
WAC 388-890-0805	What are my responsibilities in the IL program?
WAC 388-890-0810	How do I apply for IL program services?
WAC 388-890-0815	What happens after I submit my application for IL program services?
WAC 388-890-0820	Who decides if I am eligible for IL program services?
WAC 388-890-0825	Where does the IL program get the information needed to decide if I am eligible?
WAC 388-890-0830	How do I find out if I am eligible for IL program services?
WAC 388-890-0835	What if I disagree with a decision about my eligibility for IL or a decision about IL program services?
WAC 388-890-0840	Under what conditions can I get IL

	program services?
WAC 388-890-0845	How are my IL program services planned?
WAC 388-890-0850	What is included on a written or verbal IL plan?
WAC 388-890-0855	Who signs and keeps a written IL plan?
WAC 388-890-0860	How often is my IL plan reviewed?
WAC 388-890-0870	What are IL advocacy services?
WAC 388-890-0875	What are IL rehabilitation technology services?
WAC 388-890-0880	What are IL communication services?
WAC 388-890-0885	What are IL counseling services?
WAC 388-890-0890	What are IL housing services?
WAC 388-890-0895	Are IL program payments for home modifications limited?
WAC 388-890-1000	What is IL skills training?
WAC 388-890-1005	What are IL information and referral services?
WAC 388-890-1010	What is IL peer counseling?
WAC 388-890-1015	What is IL mobility training?
WAC 388-890-1020	What is IL personal assistance training?
WAC 388-890-1025	Does the IL program pay for attendant services as part of personal assistance training?
WAC 388-890-1030	What are IL physical rehabilitation services?
WAC 388-890-1035	What are IL preventative services?
WAC 388-890-1040	What are IL recreational services?
WAC 388-890-1045	What are IL program services to family members?
WAC 388-890-1050	What are IL therapeutic services?
WAC 388-890-1055	What are IL transportation services?
WAC 388-890-1060	What other services does the IL program offer?
WAC 388-890-1065	How long can I receive independent living services?
WAC 388-890-1070	Why does the IL program stop providing or paying for IL program services?
WAC 388-890-1075	Am I involved in the decision to stop receiving IL program services?
WAC 388-890-1080	How does the IL program notify me that my services are stopping?
WAC 388-890-1085	If the IL program decides I am not eligible for IL program services, is the decision reviewed?
WAC 388-890-1090	Does the IL program keep a record of my IL program services?
WAC 388-890-1095	Does the IL program keep personal information confidential?